PROVISIONAL
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CERD/C/SR.1033
17 March 1994

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-fourth session

PROVISIONAL SUMMARY RECORD OF THE 1033rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 March 1994, at 3 p.m.

Chairman: Mr. GARVALOV

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GE.94-15823 (E)

The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Eleventh periodic report of Norway (CERD/C/210/Add.3) (continued)

1. At the invitation of the Chairman, Mr. Wille, Mr. Myhrer and Ms. Nystuen (Norway) took places at the Committee table.

2. The CHAIRMAN, speaking as a member of the Committee, said that the many comments and questions by the members were evidence of the Committee's interest in Norway's record of dealing with problems of racial discrimination. Like Mr. Yutzis, he requested further information on Norway's demographic composition. It would be useful for the Committee's assessment of the situation of foreigners in Norway if the breakdown of the number of foreign nationals was given by country of origin and not just by continent. He also wished to know whether Norway adopted a selective approach to the granting of citizenship.

3. Mr. WILLE (Norway), replying to the Committee's questions and comments, said that replies to any questions which the representatives of Norway were unable to answer immediately would be given in the next periodic report. In particular, he assured the Committee that more comprehensive, country-specific information on the composition of the foreign population would be provided in the next report.

4. In reply to comments by Mr. van Boven, he said that it was gratifying to note that the initiative of the Prime Minister of Norway in proposing a plan of action to combat racism and ethnic discrimination had been endorsed by the Council of Europe. Norway had recently appointed an expert to take part in the committee of experts established by the Council of Europe to monitor the situation in that field in member States.

5. On the subject of the status of the Convention in relation to domestic law, he said that the point of departure was that neither the Constitution nor domestic legislation contained any general rule about the status of treaties in domestic law, although certain legislative provisions gave effect to treaties. In legal theory, the relationship between domestic law and international law was usually described as dualistic. Treaties were implemented in national law by "transformation", "incorporation" and "ascertainment of legal harmony". Transformation entailed the reproduction of a treaty in legislation in the form of a translation with any necessary adaptations. Incorporation entailed the legal enactment of a treaty as part of domestic law in its original form and language. The term "embodiment" was often used to describe the joint concepts of transformation and incorporation. Ascertainment of normative harmony entailed ascertaining that domestic law was in accordance with the treaty in question. The latter was the most usual method of implementing treaties in Norway. Human rights conventions, including the Convention on the Elimination of All Forms of Racial Discrimination, had been referred to in several cases that had come before the Norwegian courts. More precise data on such case-law would be provided in

Norway's next periodic report. The Supreme Court had never found any conflict between Norwegian law and a human rights convention and had therefore not come to any decision as to which rule took precedence in the event of a conflict. However, an important statement of principle, published in the Norwegian Law Gazette in 1984, had stressed that a decision must, inter alia, be based on the consideration that Norwegian law must as far as possible be presumed to be in accordance with treaties by which Norway was bound.

6. Regarding refugee children, to which several members of the Committee had referred, the general rule was that minor children, accompanied or unaccompanied, who had been granted asylum or a residence permit on humanitarian grounds enjoyed the same rights as Norwegian children. Those who had not been granted asylum fell into three groups. The first consisted of children who had been granted a residence permit on humanitarian grounds; for most practical purposes, they had the same rights and obligations as Norwegian children. The second group was composed of children whose application for asylum was pending. They had the same rights and duties with regard to attendance at primary and secondary schools as Norwegian children and especially with regard to compulsory attendance at primary and secondary schools for those aged between 6 or 7 and 16 years of age. Asylum-seekers aged 16 years and over were covered by a special programme, including instruction in mathematics, natural sciences and Norwegian. Regarding health care, they enjoyed the same access to public services as Norwegian children. The third group consisted of those whose applications had been turned down, but had refused to leave the country and avoided expulsion. Unlike the two previous groups, they had no legal basis for their stay in the country. In principle, they were entitled only to emergency medical assistance, but in practice it appeared that they enjoyed more or less the same access to health care as Norwegian children. Again, with regard to education, although the presumption was that children illegally in the country were not as a general rule entitled to education, in practice, when their stay was protracted, children under the age of 16 had had access to education in the same way as Norwegian children. Most of the children who had sought refuge in churches had been given education as a result of decisions by local authorities.

7. In connection with family reunification, the closest family members of a foreign national who was granted lawful residence with a settlement permit or with a permit constituting a basis for a settlement permit were entitled, on application, to a residence permit or a work permit. If the principal person had been granted asylum, the right was unconditional for the spouse and child or, if the principal person was a child, for the parents and unmarried siblings under the age of 18 who were living with the parents. For groups other than those who were granted refugee status, the prerequisite was that subsistence was to be ensured unless a settlement permit had been granted. Such a permit was usually granted after three years' continuous residence. Family members of foreign nationals who had received a final negative decision and remained illegally in the country were not entitled to a residence permit or a work permit. Family members or persons who were awaiting a decision on an application would not be granted a permit on grounds of family reunification. As far as the right to health care was concerned, certain minimum rights were applicable to all persons

residing in Norway. Further details could be provided if the members of the Committee so wished.

8. In reply to the specific question about children who had sought refuge in churches, he said that, in the past year, some 680 Kosovo Albanians, including some 300 under the age of 18, had taken refuge in Norwegian churches. Almost all of them had had their applications for asylum rejected and were in the country illegally and 480 of them had come to Norway from Sweden, where their applications had also been considered and rejected. Some 200 had come directly from the former Yugoslavia. In November 1993, the Government and church representatives had entered into an agreement to the effect that the Government would review all cases concerning persons who had come directly to Norway. Other persons who had sought refuge in the churches, including the 480 who had transited through Sweden, would have to ask explicitly for a review.

9. Humanitarian concern for the children was a significant issue in the review of those cases. The condition for the review of cases was that the applicants should leave the churches before 1 December 1993 and all had done so. The Ministry of Justice had so far reconsidered applications concerning 108 of the some 700 persons who had been promised a reconsideration of their cases. All the children concerned seemed to have had access to public services, including medical care and primary or secondary education. Although no comprehensive investigation had been made into the benefits received by the children concerned, since such an investigation would be extremely difficult and time-consuming, the organization Save the Children had published a report in December 1993 confirming that all children under the age of 16 had attended primary or secondary school and had received medical treatment.

10. In reply to a question about custodians for unaccompanied foreign minors, he said that, under Norwegian law, they enjoyed the same rights as Norwegian citizens, meaning that custodians were appointed by the authorities in cases where there were none. In respect of refugee children, the immigration regulations provided that there should always be a provisional guardian or attorney present during the examination of cases involving unaccompanied minors seeking asylum.

11. Replying to questions about the Sami people, he referred to the relevant sections of the Sami Act, annexed to the report, and in particular, section 2-1 and section 2-2, which were interpreted as meaning that the Sami Assembly was free to determine which matters it should consider and which public authorities and private institutions should be authorized to deal with such matters. The Act also provided that other public bodies should give the Sami Assembly the opportunity to express an opinion before they took any decisions on matters coming within the scope of the Sami Assembly under the Act. A circular from the Ministry of Local Government to other ministries, subordinate bodies and county governors confirmed that matters deemed to be important to the Sami population should be brought before the Sami Assembly.

12. In the four years since the first elections to the Sami Assembly, it had dealt with and given opinions on a large number of major issues of concern to the Sami people, including agriculture, fisheries, reindeer-husbandry, land, language, culture and education. The Sami Assembly had also participated actively in international issues, including Sami interests in connection with International Labour Organisation Convention No. 169 and the United Nations Conference on Environment and Development. Sami powers had been recognized as being subject to review by the Sami Assembly. The Assembly's statutory powers included a wide degree of authority in respect of State allocations of funds for Sami purposes. The Sami Development Fund had been established as an independent body. The interministerial committee set up in 1990 to consider the transfer of duties and authority to the Sami Assembly had submitted a report in April 1991. The proposals covered the allocation of public funds for specific Sami purposes, authority to draw up guidelines for such allocation and to appoint boards or councils to deal with culture and education, and the introduction of a special allocation budget in the Ministry of Local Government. In 1992, the Sami Assembly had endorsed most of the transfers proposed by the interministerial committee. Funds had been or were being transferred to a specific chapter in the State budget entitled "Sami Assembly".

13. In response to a question about Sami land rights, he referred the Committee to Norway's first report to the International Labour Organisation pursuant to ILO Convention No. 169 on indigenous and tribal peoples. In short, although the State owned 96 per cent of the county of Finnmark, where most of the Sami people lived, the local population, including the Sami people, enjoyed extensive rights, especially with regard to reindeer grazing. Norway's ratification of ILO Convention No. 169 had been based on the assumption that Norwegian law met the Convention's requirement in that regard, particularly in respect of article 14. He added that the committee on Sami rights was currently preparing a special study on the Sami right to land, which would be available in 1994.

14. On the subject of the imprisonment of foreign nationals, section 41, subsection 6, of the Immigration Act provided that there should be no recourse to arrests and imprisonment if, in consideration of the nature of the case and the general circumstances, that would constitute unreasonable interference or the court found that, instead, it might impose other penalties such as the obligation to report, confiscation of passport or assignment to a particular place of residence. According to section 37, subsection 4, a foreign national might not be imprisoned if there was reason to suspect that he had given a false identity. Under that provision, imprisonment was intended to prevent aliens with an unknown identity who did not cooperate with the authorities in disclosing their identity from being permitted to stay in the country. Some of those who refused to cooperate were also wanted in connection with criminal cases. Any person imprisoned under that provision and wishing to leave the country would be released on condition that he withdrew the application for asylum.

15. Approximately 120 persons had been imprisoned between 1 August 1992 and the end of 1993 for claiming false identity. The report stated (para. 35) that less than 3 per cent of asylum-seekers arriving in Norway with false documents or no

documents at all had been imprisoned. Most of the remaining 97 per cent cooperated with the authorities and their applications were duly processed.

16. In reply to a question by Mr. Yutzis, he said that, while section 43 of the Immigration Act provided that "compelling social considerations" might be invoked as grounds for exceptions to the normal appeal procedure against expulsion, that provision had never been invoked in practice to restrict the right of a foreign national to choose his or her place of residence. In the travaux préparatoires to the Act, it was noted that the restrictions set out in section 43 would rarely be involved in practice. The same provision was written into section 27 of the Act, relating to rejection upon entry. The Committee responsible for drafting the Act had referred in that connection to a mass influx of aliens which the country was incapable of absorbing as an example of "compelling social considerations"; it had also included among such considerations crimes that posed a particular threat to society. It was, however, clear that the provision was intended merely as a safeguard in extreme circumstances.

17. Returning to the subject of the Sami people, he informed Mr. Yutzis that compensation had indeed been awarded for losses incurred as a result of the Chernobyl accident. In reply to the question concerning the Finnish minority in northern Norway, he said that Finnish was taught in local schools, with the result that members of the population could be trilingual in Finnish, Sami and Norwegian.

18. Referring to Mr. de Gouttes' question on the committee established to examine the relationship between international law and Norway's domestic legislation, he said that the committee's report had been issued in May 1993. It contained the proposal that a special provision on human rights should be included in the Constitution and that the European Convention on Human Rights and the International Covenants on Economic, Social and Cultural Rights and Civil and Political Rights should be incorporated into Norwegian law. The follow-up to the committee's proposals would be described in the next periodic report.

19. Mr. MYHRER (Norway), replying to Mr. Wolfrum's question about Norway's jury system, said that, in criminal cases, laymen participated in all questions concerning guilt or non-guilt. Courts of first instance were composed of two laymen and one professional judge; in the Court of Appeal there was either a jury consisting of 10 laymen or a combination of two professional judges and three laymen. Laymen for courts of first instance and jury members were appointed by the municipal authority of the district concerned, by drawing lots from special panels set up on the basis of the local electoral roll. Membership of the municipal electoral roll was conditional on having reached the age of 25, on having not been sentenced to prison during the previous five years and on having resided in Norway for a period of three years. Foreign nationals who fulfilled those conditions were thus eligible for jury duty. In the appointment of Norwegians and foreign nationals alike to jury duty, account was taken of activity in local political life and participation in public debate.

20. With regard to the prohibition of organizations and to freedom of speech and assembly, the policy of the Norwegian Government was to prosecute and punish organizations and individuals for actions committed. Prohibiting membership of an organization or making it a criminal offence was regarded as a possible source of conflict with other civil rights. However, recent additions to the Penal Code (sects. 48 (a) and 48 (b)) did make it possible to prosecute and punish organizations or companies for criminal actions by their members or agents. As examples, he said that the violation by a radio station or a newspaper of the provisions of section 135 (a) of the Penal Code could result in the halting of their activity and the confiscation of their equipment, even at the investigation stage. The punishment of an organization or a company did not rule out the possibility of criminal proceedings against and the conviction of individuals for the same offence.

21. Mr. WOLFRUM said that he was by no means satisfied with the explanations provided in connection with article 4 of the Convention. He understood the Norwegian representative to have argued that the banning of organizations as required under article 4 (b) might be a violation of other human rights. On the other hand, it had been stated that new provisions had been recently added to the Penal Code whereby organizations might be "punished" - a term which he found somewhat strange. In any event, there was no doubt that the Government of Norway was failing in its obligations to implement the provisions of article 4 (b). As he understood the situation, no legal provision was currently made in Norway for the punishment of those who disseminated ideas based on racial superiority or hatred or engaged in incitement to racial discrimination, acts of violence or other actions listed in article 4 (a). Would it be legal, for example, in Norway to publish Mein Kampf or the 1920 Programme of the National Socialist Party? Nothing he had read or heard so far reassured him that the Norwegian Penal Code provided for the prosecution and punishment of such acts.

22. Mr. BANTON said that the twelfth periodic report of Norway had been due on 6 September 1993. He was of the opinion that the Committee's reaction to the eleventh periodic report should be given very serious high-level attention in Oslo and that the Norwegian Government might be asked to submit combined twelfth and thirteenth reports for consideration in August 1995, when the Committee would expect a full-scale review of the issues which it had raised and to many of which there had been no response.

23. For example, was the Norwegian Government concerned about threats to the peace and security of law-abiding persons who might be described as anti-racist? Did the Government supervise the fulfilment of the obligations of subordinate authorities or, for example, the selection of juries by municipalities to ensure that discrimination did not occur? Did membership by persons of non-Norwegian ethnic origin of volunteer organizations that dealt with their own minority communities' affairs constitute "activity in local political life" for the purpose of selection for jury duty? Were the Norwegian authorities satisfied that members of distinctive ethnic or national minorities enjoyed equal protection from attack? Did those persons believe that they had such protection? Had they been asked for their views? Were the authorities satisfied that

immigration officers carried out their duties without discrimination? Was the right to equality in respect of housing protected for members of ethnic or national minorities, and did effective remedies exist in the case of discrimination? He had also asked the same question with regard to access to public services.

24. Ms. NYSTUEN (Norway), referring to questions on the Nite Rocket radio station in Oslo, said that any broadcasting of racist propaganda was punishable under section 135 (a) of the Penal Code and could lead to the closing down of the station by the authorities and the prosecution of the persons involved. In the case of Radio Nite Rocket, some of the persons responsible had declared themselves to be racists and to advocate an ideology with which the authorities did not agree, but they had not actually transmitted racist propaganda over the airwaves; there were thus no grounds on that score for closing down the station. Fortunately, it had lost its broadcasting licence for other reasons.

25. Responding to requests for clarifications concerning paragraph 54 of the report, she said that a proposal to give non-governmental organizations the right to bring legal actions under section 135 (a) of the Penal Code was currently being evaluated by the Ministry of Justice. It must be understood, however, that such a right could only be in addition to the public prosecution of such violations; combating racism must still be primarily the responsibility of the authorities.

26. In reply to Mrs. Sadiq Ali's question, she said that the Government-funded Anti-Racist Centre was foremost among multiracial organizations and non-governmental organizations in Norway and had been in existence for a little more than 10 years; it published a magazine and other types of information; operated an immigrant language radio station; and staffed an emergency centre for victims of racial discrimination and harassment. It had also recently launched a research project designed to document violence and harassment, as well as other forms of racial discrimination against immigrants in Norway. The Norwegian Association for Asylum-Seekers, which also received Government funding, provided help and advice, particularly in the legal field.

27. The general rule in Norway's legislative system was that compensation could be awarded only for economic loss, including economic loss due to racial discrimination, but victims of violence could also obtain special compensation, even for non-economic losses.

28. Further information on extreme right-wing groups and organizations and their relations with international fascist and racist organizations would be provided in Norway's next periodic report.

29. Mr. WILLE (Norway) said that the expiry of a work permit did not mean that the person concerned must leave the country. Foreign nationals must submit their initial application for permits from abroad; renewals were done in Norway.

30. In reply to a comment by Mr. Banton, he said that the information now being gathered with a view to the development of social indicators for the evaluation of progress in the implementation of policies to eliminate racial discrimination was expected to be of considerable assistance. Regrettably, there were no new developments to report on the situation with regard to the right to work.

31. Mr. ABOUL-NASR said he understood that the Norwegian representative might have difficulty in giving immediate answers to all the questions by the members of the Committee. The first question he had asked, namely, whether any racist organizations existed in Norway and whether they had links with similar organizations in other parts of Europe, might require some investigation and research before the necessary information could be supplied. However, his question whether a statement that foreigners, blacks, Jews or gypsies were a threat to Norwegian society and should be got rid of was or was not an offence under Norway's Penal Code was a simple one to which it should be easy to give a simple answer.

32. Mr. de GOUTTES said he also understood that a relatively small delegation such as that of Norway might have difficulty in providing replies to so many questions. However, three matters of importance on which Norway should provide clarification in its next periodic report were, first, the status of international human rights treaties vis-à-vis Norwegian domestic law, particularly in the light of the report of the committee of jurists to which reference had been made. The second was the question of criteria for selection for jury duty. It had been stated that, to be eligible for jury duty in criminal trials, a person had to have been resident in Norway for at least three years and to be well known locally. Were such persons in fact individually appointed on a selective basis or were they chosen at random from the electoral roll, as was the practice in many European countries? The third matter was the provision of information on sentences handed down for racist offences and statistics relating to court cases.

33. Mr. RECHETOV said that, although the Committee had asked many questions, he, too, had been troubled by the selectivity of the Norwegian delegation's replies. A number of important statements by members had been simply ignored. Matters of detail on which information had been requested and basic questions of principle relating to the objectives of the Convention had received the same scant treatment.

34. In making such a negative assessment, the members of the Committee were speaking less in their individual capacities than as the body responsible for monitoring the implementation of the Convention. That assessment was, of course, open to challenge from other sources, but the Norwegian representatives should have no doubt that what they were hearing were the Committee's considered views. They should be aware that distinguished jurists throughout the world agreed that, whenever there was non-observance in a given State of the provisions of an international instrument to which that State was a party, responsibility lay firmly with the State itself.

35. Mr. WILLE (Norway) said that his Government would certainly provide information on the status of international human rights legislation in relation to Norwegian domestic law, either in its next periodic report or in the update of its core document. Such a statement as that referred to by Mr. Aboul-Nasr would indeed be a punishable offence under section 135 (a) of Norway's Penal Code.

36. In reply to a question by Mr. Banton, he said that persons refused service on racial grounds would have legal remedies under section 349 (a) of the Penal Code. With regard to the right to equality in respect of housing, no legal measures had been introduced since Norway's last periodic report. On Mr. Wolfrum's point, sections 135 (a) and 349 (a) of the Penal Code had been introduced in order to comply with the requirements of article 4 (a) of the Convention. Mr. Banton had also referred to the question of the combined twelfth and thirteenth periodic reports, which were due in 1995. Norway was, of course, ready to report whenever requested to do so by the Committee.

37. Mr. MYHRER (Norway), referring to Mr. Banton's comments on the implementation of article 4 of the Convention, said an investigation had been carried out into the case of racial harassment referred to, but the case had been set aside by the local public prosecutor. However, an appeal had been lodged and the case was currently being dealt with by the Director of Public Prosecutions. He would convey to his authorities the Committee's concern about the matter.

38. In reply to Mr. Banton's question on article 5, he said that, under the criminal justice system in Norway, all foreigners had equal rights to receive protection from attack and to bring cases to court, but no statistics were available on the extent to which the authorities were ensuring that those rights were respected. In practice, foreigners rarely went to the police to complain of such attacks, believing that such complaints would in any event prove useless.

39. Mr. WILLE (Norway) said Mr. Ahmadu had raised the question of racist graffiti. To his knowledge, no case had ever been brought before a court for such an offence, but the matter was, of course, one of great concern to his Government. Norway was also concerned about the second case referred to by Mr. Ahmadu, namely, the difficulties which an Algerian athletics team and a Nigerian author had experienced when entering the country. There had been a number of complaints about the behaviour of immigration officials and it had recently been decided that they should be required to attend special anti-racist courses.

40. As he had already pointed out, Norway had had a large influx of immigrants in recent years and the situation of being a multiracial country was new to it. His Government was currently processing the information it had received on the subject with a view to reviewing its policy. He hoped to be able to tell the Committee in Norway's next periodic report how that policy was being implemented.

41. Mr. ABOUL-NASR noted that the representative of Norway had stated that none of the incidents of discrimination referred to had been brought before the

courts. How then was it expected that such cases would be dealt with? Was there no ombudsman empowered to take the necessary action?

42. Mr. WOLFRUM said he failed to understand why the representative of Norway was either unable or unwilling to answer specific questions. The cases referred to by Mr. Ahmadu were clear-cut cases of racial discrimination, which were defined in article 4 (a) of the Convention as offences punishable by law. The representative of Norway himself had stated that offenders could be prosecuted under the Penal Code. That should mean that either the public prosecutor or the police or both were under an obligation to conduct an investigation and to bring the matter to court. If that were not the case, then Norway had violated the Convention. The prosecution should not properly be allowed any discretion in cases involving racial discrimination or incitement to racial hatred.

43. He would like to have an answer to a specific question: would it or would it not be possible in Norway to disseminate a publication based on ideas of racial superiority, such as, for example, Mein Kampf?

The meeting was suspended from 4.45 and resumed at 4.55 p.m.

44. Mr. WILLE (Norway) said his delegation had the impression that, while the Committee was satisfied with the legislation that Norway had enacted to comply with its obligations under article 4 (a) of the Convention, it was somewhat dissatisfied with the measures for implementing that legislation, particularly under sections 135 (a) and 349 (a) of the Penal Code. He had taken note of the views expressed by the members of the Committee and would of course communicate them to the Norwegian authorities.

45. It was difficult for him to give a simple answer to the question asked by Mr. Wolfrum. All he could say at present was that the matter of the dissemination of publications based on ideas of racial superiority would normally be covered by section 135 (a) of the Penal Code.

46. The CHAIRMAN said that the Committee had concluded the first part of its consideration of the eleventh periodic report of Norway.

47. He thanked the Norwegian delegation for its cooperation and welcomed the assurance that it had given that the Norwegian Government was interested in continuing the dialogue with the Committee.

48. Mr. WILLE (Norway) said his delegation fully realized that there was room for improvement in the scope and in the quality of Norway's reporting and also in its implementation of the provisions of the Convention. His Government intended to take further action in that direction. Norway continued to attach great importance to the work of the Committee.

49. Mr. Wille, Mr. Myhrer and Ms. Nystuen (Norway) withdrew.

ORGANIZATION OF WORK (continued)

50. The CHAIRMAN said that, owing to the number of requests from reporting States for postponement, the Committee's schedule would need some rearrangement. He suggested that, following consideration of the draft prepared by the Working Group on Communications, the Committee might take up Mr. Rechetov's proposal on successor States. Other subjects that might be discussed were the question of the proposed joint meeting with the Sub-Commission and the draft concluding observations on the reports of France, Switzerland, Tunisia, Morocco, Mauritius and Mali.

51. Mr. ABOUL-NASR noted that the Committee seemed to be filling in time while regrettably neglecting its duties under article 15 of the Convention with respect to petitions and reports relating to Trust and Non-Self-Governing Territories. He wondered why in recent times insufficient information on the subject had been received from the competent United Nations bodies.

52. The CHAIRMAN said that he also felt uneasy about the Committee's failure to do any work on article 15 at recent sessions. He would ask the Bureau to look into the matter before the end of the session.

53. Mr. WOLFRUM said that resolution 1994/64 adopted the previous week by the Commission on Human Rights was of direct relevance to the Committee's work. Paragraph 4 of that resolution spelled out the mandate of the Special Rapporteur on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, a mandate that seemed to overlap somewhat with that of the Committee. He thought that a short period should be set aside before the end of the session to discuss the subject.

54. The CHAIRMAN said he agreed that the Committee would do well to discuss and take note of a number of references to issues of mutual interest in the resolutions and decisions adopted by the Commission on Human Rights.

55. He noted that the Bureau was not trying to fill in time with less important matters. It was simply rearranging the original agenda to take account of the changes that had occurred.

56. Mr. de GOUTTES said that it was important to know in advance of the August 1994 session which periodic reports were reasonably likely to be discussed so that the corresponding country rapporteurs could begin their work.

57. The CHAIRMAN said that a list of reports due for consideration would be circulated the following day. Care would be taken to ensure that the country rapporteurs were given sufficient time to prepare their reports.

58. Mr. RECHETOV expressed the view that the remaining items for discussion fell into two categories. The Committee's duties under article 15 of the Convention and the establishment of a schedule for the consideration of periodic reports at the August session related to specific agenda items and should take precedence,

not necessarily in terms of the amount of time devoted to them. The other category consisted of matters that did not constitute separate agenda items, but that were in some cases also of considerable importance, such as Mr. Alston's report on enhancement of the long-term effectiveness of treaty bodies and the resolutions and decisions of the Commission on Human Rights. He felt that the latter discussion should be somewhat informal so as not to create a precedent.

59. The CHAIRMAN said that he had not intended to have a special meeting on the subject or to give it a special place on the Committee's agenda. He would simply invite members, time allowing, to comment on points of special relevance.

60. Mr. van BOVEN drew the Committee's attention to resolution 1994/19 adopted by the Commission on Human Rights on the effective functioning of treaty bodies and the regular meetings of their chairpersons. In that connection, he suggested that the Chairman might discuss those meetings with the Committee in advance so as to have its backing for any position he might wish to adopt.

61. He asked whether the Secretariat could provide information on the position with respect to the acceptance by States parties of the amendment to the Convention that had been adopted in order to place the Committee's finances on a sounder basis through systematic coverage of its expenses from the regular budget of the United Nations. He understood that the Secretary-General or the General Assembly had taken some action to that effect even prior to the entry into force of the amendment. Rather than relying on the goodwill of the Secretary-General and the General Assembly, he thought that the members of the Committee ought to use any influence they had to encourage States parties to accept the amendment, thereby ensuring its early entry into force.

62. The CHAIRMAN said that he would be very interested in hearing the views of the members of the Committee prior to his meetings with the other chairpersons of treaty bodies.

63. He requested the Representative of the Secretary-General to inform the Committee of its current budgetary status.

64. Mrs. KLEIN (Representative of the Secretary-General) said that the amendment had been endorsed by the General Assembly in its resolution 47/111, paragraph 9 of which requested the Secretary-General to ensure that the Committee could meet as scheduled until the amendment had entered into force and also to provide for its financing from the regular budget for 1994-1995. With regard to formal ratification, the Secretariat had received 11 notifications of acceptance out of the 90 required for the amendment to enter into force. Whatever could be done by the members of the Committee to speed up acceptance would therefore be greatly appreciated.

The meeting rose at 5.40 p.m.